

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

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| RUFUS PAUL DUHON, III | : | DOCKET NO. 2:14-cv-2872 |
| VERSUS | : | JUDGE WALTER |
| U.S. COMMISSIONER, SOCIAL SECURITY ADMINISTRATION | : | MAGISTRATE JUDGE KAY |

REPORT AND RECOMMENDATION

On October 3, 2014 Rufus Paul Duhon, III filed a Complaint claiming that the Commissioner's unfavorable disability finding is contrary to law and not supported by substantial evidence and requested judicial review by this court. Doc. 1. The Commissioner answered the complaint on January 13, 2015. Doc. 4. On January 14, 2015 this court issued a scheduling order giving plaintiff until March 16, 2015 to file his brief. Doc. 5. On June 22, 2015 this court issued an order setting a deadline of July 6, 2015 for plaintiff to file his brief in support of his appeal. Doc. 6. The court warned that "failure to abide by order of this court may result in [the] claim being dismissed"

Section 37 C.F.R. 41.67(b) provides "[a]n appellant's appeal shall stand dismissed upon failure of that appellant to file an appellant's brief, accompanied by the requisite fee, within the time allowed under § 41.66(a).


Accordingly,

IT IS RECOMMENDED that the Complaint filed by Rufus Paul Duhon, III on October 3, 2014, be stricken from the record and his appeal DISMISSED.

Under the provisions of 28 U.S.C. §636(b)(1)(C) and Fed.R.Civ.Proc. 72(b), parties aggrieved by this recommendation have fourteen (14) days from service of this report and recommendation to file specific, written objections with the clerk of court. A party may respond to another party's objections within fourteen (14) days after being served with a copy thereof.

Failure to file written objections to the proposed factual finding and/or the proposed legal conclusions reflected in this Report and Recommendation within fourteen (14) days following the date of its service, or within the time frame authorized by Fed.R.Civ.P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. See *Douglas v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

THUS DONE this 8th day of July, 2015.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE